

REMARKS

Claims 1-4, 6-12, 14-22, 24-30 and 32-36 were pending in the application. In a Final Action dated September 30, 2005, claims 1-4, 6-12, 14-22, 24-30 and 32-36 were rejected. In this Amendment, claims 1, 8, 9, 17-19, 26, 27, 35 and 36 have been amended. Claims 1-4, 6-12, 14-22, 24-30 and 32-36 thus remain for consideration.

Applicant submits that claims 1-4, 6-12, 14-22, 24-30 and 32-36 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§102 and §103 Rejections

In the Final Action dated September 30, 2005, claims 1-3, 6-11, 14-18, 19-21, 24-29 and 32-36 were rejected under 35 U.S.C. §102(b) as being anticipated by Marshall et al. (U.S. Patent No. 4,933,969); and claims 4, 12, 22 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marshall in view of Campardo et al. (European Patent Pub. EP 0926601).

Applicant submits that the independent claims (claims 1, 8, 9, 17, 18, 19, 26, 27, 35 and 36) are patentable over Marshall and Campardo.

Applicant's invention as recited in the independent claims is directed toward a data apparatus, a data processing method, and a recording medium storing software for performing the data processing method. Each of the claims recites that one or more keys is used to generate verifying values, that a verifying value is generated for each category of a plurality of categories of contents data, and that the verifying values can be used to determine whether or not there has been any tampering with the contents data. Each of the claims further recites that "said keys are arranged in a hierarchical structure having a plurality of levels, said memory device is

associated with a device level of said structure, and said memory device stores, in unencrypted form, at least one key corresponding to a level of said structure above said device level." Supporting disclosure for the quoted feature of Applicant's invention can be found in the specification at, for example, paragraphs 0096 to 0100.

Neither Marshall nor Campardo discloses that one or more keys used to generate a verifying value are arranged in a hierarchical structure having a plurality of levels, wherein a memory device is associated with a device level of the structure, and the memory device stores, in unencrypted form, at least one key corresponding to a level of the structure above the device level. Accordingly, Applicant believes that claims 1, 8, 9, 17, 18, 19, 26, 27, 35 and 36 are patentable over Marshall and Campardo - taken either alone or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2-4, 6, 7, 10-12, 14-16, 20-22, 24, 25, 28-30 and 32-34 are patentable over Marshall and Campardo for at least the same reasons discussed in connection with claims 1, 8, 9, 17, 18, 19, 26, 27, 35 and 36.

As it is believed that all of the rejections set forth in the Official Action have been fully addressed, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicant's attorney at (908) 654-5000 in order to discuss any additional objections which he/she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

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